

**MCDOWELL SONORAN PRESERVE COMMISSION
COMMUNITY DESIGN STUDIO - NAVE
7506 E. INDIAN SCHOOL ROAD
SCOTTSDALE, AZ
SEPTEMBER 1, 2005**

APPROVED MINUTES

PRESENT: Art DeCabooter, Chairman
Christina Kovach, Vice-chair
Carla
Joan Fudala
Gerry Miller
Arnold Roy
Linda Whitehead

ABSENT: Erik Filsinger
Melinda Gulick
Virginia Korte
Solange Whitehead

STAFF: Bob Cafarella, McDowell Sonoran Preserve Director
Tim Connor, Planning and Design
Dan Gruber, McDowell Sonoran Preserve Steward
Scott Hamilton, Preservation
Teresa Huish, Planning and Design
Don Meserve, Preservation Manager
Claire Miller, McDowell Sonoran Preserve Manager
Paul Norman, City Attorney's Office
Jay Osborn, City Attorney's Office
Bruce Washburn, City Attorney's Office

CALL TO ORDER

The meeting was called to order at 5:05 p.m.

Chairman DeCabooter welcomed guests to the Commission meeting. At the invitation of the Chairman, those present introduced themselves.

APPROVAL OF AUGUST 4, 2005 MINUTES

Commissioner Linda Whitehead noted that it was Commissioner Solange Whitehead who had moved approval of the May 12, 2005 meeting minutes. Also Commissioner Gerry Miller's name was left off the list of new Commissioners.

Carla noted that on page 2 on the Planning Committee report on Trail Alignment, in the third sentence of the second paragraph, Mr. Gruber should be identified as the MSLT Preserve Steward. The fifth sentence of the paragraph should be amended to read: " At the end of the process, if the suggestions were adopted, all MSLT public hikes would be fully consistent with the trails plan as modified."

Under Commissioner Comments and Public Comment, the second item should state that "Commissioner Carla noted that H.B. Wallace [RB1] had passed away."

COMMISSIONER. FUDALA MOVED THAT THE MINUTES OF THE AUGUST 4, 2005 MEETING BE APPROVED AS AMENDED. COMMISSIONER LINDA WHITEHEAD SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY BY A VOTE OF 7 (SEVEN) TO 0 (ZERO).

COMMISSIONER DO'S AND DON'TS REGARDING THE CONSERVING ARIZONA'S FUTURE INITIATIVE

Mr. Osborn introduced Mr. Washburn and Mr. Norman, his colleagues from the City Attorney's Office.

Mr. Osborn spoke about what political activity the Commissioners can get involved in with respect to the initiative currently being circulated for signature and what the City can do to support the initiative, if it is placed on the 2006 ballot. He stated that appointed members of commissions and boards do not have any limitations placed upon their political rights. City employees do have some limitations in regard to City elections.

Commissioners, as individuals, have the right to sign and circulate petitions and write letters to newspapers. The City Attorney's office advises that the safest thing when writing to the press is to refrain from identifying oneself as a member of a board or commission. It is safer to write as an individual. If one does identify oneself as a board or commission member, it is best to clearly state that one is writing in an individual capacity and not speaking on behalf of the board. This avoids potential issues for the body as well as for City Council. Mr. Osborn added that the same precautions apply if the measure is placed on the ballot.

The City is considerably limited in its actions by a State statute that does not permit the use of City personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcomes of elections. A city is permitted to distribute information reports on a proposed bond election. The City has to be very careful to observe this. The City Attorney's office watches the agendas for upcoming meetings of boards and commissions to be sure that information is not presented that reflects only one side of an issue. Any information that is to be distributed is carefully vetted to ensure that it is balanced and factual and cannot be interpreted as advocating a certain position.

The current issue is different because it is an initiative proposing a constitutional amendment, therefore, a different statute applies. The Chairman asked whether the Commission could hold informational meetings as long as they did not adopt or advocate a certain position. Mr. Osborn replied that this might raise difficult issues and that if done, it would have to be done very carefully with coordination with City Council.

A discussion ensued regarding the implications of this information. Mr. Norman stressed that there is a fine line. Mr. Osborn said that it is important not to create any perceptions that could be exploited by the opposition to the initiative.

In response to a question from Vice-Chair Kovach, Mr. Washburn said that materials designed to make Scottsdale citizens more aware of the McDowell Sonoran Preserve should be reviewed by the City Attorney's office.

Mr. Osborn raised the matter of the Attorney General's recent opinion about how e-mail may affect the Open Meeting law. He cautioned that there are several ways in which e-mail might inadvertently violate the Open Meeting law. He said the City Attorney's office is working on this potential problem and plans to give more direction in the near future. In the meantime, he advised the Commission not to discuss matters of substance in e-mails. He added that there are ways to avoid problem situations but that one needs to exercise care.

Chairman DeCabooter thanked the attorneys, who then left the meeting.

SCENIC ROADWAYS RECOMMENDATIONS

Mr. Cafarella, Director of the McDowell Sonoran Preserve, gave a brief history on scenic roadways. Ms. Huish and Mr. Connor of the Planning Department gave a presentation on the recommendations for General Plan amendments regarding scenic roadways. Mr. Connor distributed documents to the Commission. A discussion ensued on the ramifications of and the public response to the proposed amendments.

WHAT TO DO ABOUT NOXIOUS PLANTS IN AND AROUND THE PRESERVE

Commissioner Miller introduced the topic: Is a formal approach needed for eradicating or controlling noxious weeds? This has been in the local media recently as Maricopa County has been actively working on the issue. He handed out his report for the Commissioners to refer to.

Commissioner Miller has observed infestations of noxious weeds growing near and actually in the Preserve itself, especially in the northern part of the Preserve. Red Brome Grass was a contributing factor to the Cave Creek wildfire. He has observed the rapid growth and spread of such species as Tamarisk, Fountain Grass, Buffle Grass and Malta Starthistle. Non-native plants do not belong in the Preserve because they were introduced from other habitats and also because of the wildfire threat. The Tonto National Forest staff are encouraging the eradication efforts.

Commissioner Miller noted that a number of noxious species are starting to be a threat to the Preserve. The problem is more pronounced in the northern part of the Preserve. He estimated that the stands of noxious weeds in the southern part of the Preserve could be effectively attacked by manual labor. The problem is more massive in the State lands and a more drastic approach would be required. He noted that his list of species includes what he has observed and is not necessarily exhaustive.

Commissioner Miller further reported that once he started investigating, he realized that the overall problem is enormous across the west. He discussed some of the initiatives currently underway as well as some of the options. The State has not yet acknowledged that tamarisk is a noxious weed. Other western states have extensive tamarisk removal programs. Commissioner Miller noted that Scottsdale may need to start its own program to protect the Preserve, reiterating that something needs to be done quickly and a long-term approach is also needed. The long-term approach needs to gain the support and cooperation of other groups. In the meantime, he recommends immediate action within the Preserve. Some of the tamarisk is outside the Preserve but moving towards it. He suggested that at least on City lands and easements, they should start eradicating weeds that they recognize as being noxious.

Commissioner Miller had two recommendations:

Resolution 1: Develop a long-term plan. This will hopefully include the State lands, and he cautioned that this will be a massive project that will take a long time to achieve.

Resolution 2: An immediate start on eradication methods in the Preserve and within 800 yards of the Preserve.

Chairman DeCabooter commented that the work Commissioner Miller has done is impressive. Commissioner Carla concurred, saying the research was in far greater depth than she had anticipated. She added that the Fire Department is also interested in this topic and wants to discourage homeowners from planting these species as ornamentals.

COMMISSIONER CARLA MADE A MOTION THAT AT ITS NEXT MEETING, THE McDOWELL SONORAN PRESERVE COMMISSION RECOMMEND THAT THE PRESERVATION DIVISION AND ALL OTHER APPLICABLE CITY STAFF DEVELOP A PLAN TO ERADICATE AND CONTROL INVASIVE AND NOXIOUS PLANTS WHICH THREATEN THE HEALTH OF THE NATIVE ENVIRONMENT IN BOTH THE EXISTING PRESERVE AND THE PLANNED PRESERVE, IN COOPERATION WITH THE STATE LAND DEPARTMENT. IT IS FURTHER RECOMMENDED THAT THE RESULTING FULL PLAN BE AVAILABLE FOR REVIEW BY THE COMMISSION NO LATER THAN 1 APRIL 2006. SHOULD STAFF IDENTIFY PORTIONS OF THE PLAN WHICH CAN BE IMPLEMENTED AT AN EARLIER DATE, THEY MAY COME TO THE COMMISSION FOR IMMEDIATE ACTION. SUCH AS FOR A LIMITED NUMBER OF KNOWN AND ESPECIALLY NOXIOUS PLANTS THREATENING THE PRESERVE, THE PRESERVE STAFF SHOULD IMMEDIATELY IDENTIFY AND REMOVE SUCH PLANTS WHICH ARE LOCATED EITHER (A) WITHIN THE PRESERVE OR (B) ON ADJACENT CITY OF SCOTTSDALE PROPERTIES AND EASEMENTS WITHIN 800 YARDS OF THE PRESERVE BOUNDARIES.

Chairman DeCabooter accepted Commissioner Carla's motion as Agenda Item 12 for the next meeting. This would be for action or consideration of Commissioner Miller's two resolutions. A discussion ensued.

Mr. Cafarella asked what priority the Commission placed on this issue, noting that staff work needs to be prioritized. He added that the Fire Department is looking for funds and asked if the Commission would recommend to City Council the use of Preserve tax monies.

Commissioner Linda Whitehead commented that the Governor is appointing a task force to look at noxious weeds across the State and said that the Commission should be involved; however, this is a critical issue that needs some immediate action. She asked whether threatening species were approaching the northern part of the Preserve. Commissioner Miller confirmed that they are.

Commissioner Whitehead suggested that the Commission look at what resources and expertise can be marshaled to help deal with this problem. She added that horses and cattle can spread noxious weeds through feeding practices and asked whether threatening species were approaching the northern part of the Preserve from the Tonto National Forest.

Commissioner Fudala noted that residents near Natural Area Open Space may feel that they too are exposed to the danger of wildfire. Commissioner Linda Whitehead commented that generally, NAOS land is privately owned. Commissioner Fudala recounted her experience with her Homeowners Association who had told her that the Fire Department would have to inspect the vegetation to confirm that it was noxious before it could be removed.

Mr. Meserve, Preservation Manager, suggested that Lost Dog Wash might be a suitable starting point for removal efforts, since the access area is to be opened up. Commissioner Miller added that Mr. Meserve has found a lot of other research online, and recommended looking at the Sonoran Institute website. Ms. Miller, McDowell Sonoran Preserve Manager, commented that motorcycles can also be responsible for spreading seeds as well as livestock. Reminding trail riding groups of this message would be worthwhile.

Chairman DeCabooter indicated that discussion of this matter would continue at the Commission's next meeting on October 6, 2005.

DRAFT MARKETING COMMUNICATIONS PLAN

Chairman DeCabooter announced that consideration of this item would be postponed to the October 6 meeting, due to time constraints.

CONSERVING ARIZONA'S FUTURE

Commissioner Carla distributed copies of the updated guide entitled: Conserving Arizona's Future. Based on community feedback, it has been tailored to point out that no new taxes will be involved. A second political action committee, Arizona Conservation Campaign, has been formed to accept donations from the conservation community. The kick-off for the Conserving Arizona's Future drive will occur on Thursday, September 8 at the Princess Resort. Mayor Manross will be in attendance.

DIRECTOR'S REPORT

Mr. Cafarella reported that Ms. Miller and stewards are moving vegetation at the Lost Dog Wash access area. A survey of the disturbance areas is planned and construction will soon start. He and Mr. Hamilton had looked at the design of a bridge in Carefree that would be suitable as it gives hikers a view of the mountains.

PRESERVE MANAGER'S REPORT

Ms. Miller reported that work on the Bell Pass area trails is continuing.

FUTURE EXECUTIVE SESSION FOR MCDOWELL SONORAN PRESERVE COMMISSION

COMMISSIONER CARLA MADE A MOTION TO HOLD AN EXECUTIVE SESSION ON OCTOBER 6, 2005, FOR THE PURPOSE OF DISCUSSION WITH REPRESENTATIVES OF THE PUBLIC BODY AND CONSULTATION WITH CITY ATTORNEY FOR LEGAL ADVICE TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATING FOR PURCHASE OR LEASE

OF REAL PROPERTY FOR INCLUSION IN THE MCDOWELL SONORAN PRESERVE. COMMISSIONER MILLER SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY BY A VOTE OF 7 (SEVEN) TO 0 (ZERO).

COMMISSIONER COMMENTS AND PUBLIC COMMENT

Chairman DeCabooter requested that staff titles be included in the minutes in future. The attendance list should clearly distinguish Commissioners from staff, guests and members of the public.

Commissioner Carla reminded the meeting of the McDowell Sonoran month activities in October.

No members of the public wished to address the Commission.

AGENDA ITEMS FOR FUTURE MEETINGS

Chairman DeCabooter reiterated that consideration of the question of noxious weed removal would be on the agenda for October 6, as would the draft marketing communications plan.

Commissioner Carla requested that at some future time, staff give an update of the official name changes so that State maps can be updated.

Mr. Cafarella reminded the Commission that they had discussed having a meeting with Mr. Roy Kinsey of Fountain Hills. He added that February was a possible target for discussing Gateway.

ADJOURNMENT

With no further business to discuss, and no need for an executive session, the meeting adjourned at 6:34 p.m.

Respectfully submitted,
A-V Tronics, Inc.